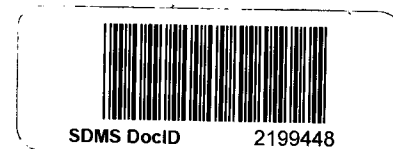


ROHM AND HAAS

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May 4, 2012



Via Electronic Mail and Federal Express, Overnight

Kenneth I. Rose, III, Financial Analyst (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

ORIGINAL

Re: **Response to Request for Information Pursuant to Section 104(e) of CERCLA
regarding the Metro Container Site, Trainer, Pennsylvania**

Dear Mr. Rose:

Rohm and Haas Company, on behalf of itself and its subsidiary Rohm and Haas Chemicals LLC (collectively "Rohm and Haas" or "Respondent"), hereby submits this Response to the Request for Information ("Request") dated March 9, 2012 from the United States Environmental Protection Agency ("EPA") concerning the Metro Container Site (the "Site"). Rohm and Haas appreciates the Agency's prior grant of an extension of time to respond to the request. Due to the historical nature of this Request, Rohm and Haas is continuing to review files, and will supplement this Response if additional responsive information is discovered.

Respondent has endeavored to answer the questions in EPA's letter to the fullest extent reasonably possible. The enclosed information is being provided in an effort to cooperate with EPA, without admitting or acknowledging that EPA has the authority to require production of the information requested, or that the statutory authority asserted in the information request is applicable. Additionally, nothing in this response should be construed as an admission of any liability or responsibility on the part of Respondent regarding any costs incurred by EPA or any other party relating to the Site. Respondent reserves all defenses and rights available to it under the law.

Respondent has a policy and well-documented history of cooperation with federal, state, and local environmental authorities. It intends to cooperate, likewise, with respect to the instant Request. The broad scope of the Request, however, compels Respondent to raise objections to the Request, both general and specific. In so doing, Respondent does not intend to diminish the seriousness of purpose with which it has investigated matters implicated by the Request or with which it has assembled this response. Respondent is not prepared; however, to undertake the overly broad and onerous burden demanded by the Request where that burden is not reasonably calculated to lead to pertinent or responsive information regarding the Site.

General Objections

Respondent asserts the following General Objections to the Request, which General Objections are hereby incorporated in each and every response of Respondent to individual questions below. To the extent Respondent responds to questions to which it objects, such objections are not waived by the furnishing or providing of information.

1. Respondent objects to the Request to the extent the Request exceeds the scope of EPA's authority under the statutory references cited in the Request.
2. Respondent objects to the Request as overly broad and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding products and wastes even where no connection to the Site appears to exist. Further, Respondent objects to the Request because the Request seeks information regarding activities at a level of detail that is impossible to provide without extreme burden and oppression, if at all. The burden on Respondent is enhanced because many of the events and circumstances that appear to be at issue took place approximately twenty-five or more years ago. With the passage of time, complete records may no longer exist, relevant witnesses with firsthand knowledge are now deceased, memories have faded, and any attempt to recreate history often presents an insurmountable challenge and an undue burden.
3. Respondent objects to the Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, and any other legally cognizable privilege. Respondent further objects to the Request to the extent it dictates the manner in which those privileges are to be asserted.
4. Respondent objects to the Request to the extent that it seeks information in the possession, custody, or control of EPA, or any other local, state, or federal governmental authority. Respondent further objects to the Request to the extent that it seeks information that is a matter of public record.
5. Respondent objects to the Request to the extent that it seeks information outside of Respondent's possession, custody or control.

Response of Rohm and Haas

1. EPA has information which indicates that you sent drums to the Metro Container Site between 1980-1988 from one or more of your facilities. For each such facility, identify:
 - a) the address of the facility; and
 - b) the products/materials produced at such facility between 1980-1988.

Objection: In addition to the General Objections set forth above, Respondent objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry.

Response: Subject to and without waiving objections raised in this Response, based on documents and information reviewed to date, Rohm and Haas did not have a business relationship with Metro Container. Rohm and Haas has not located any documents or information indicating that it ever sold drums to Metro.

As noted in previous responses to EPA regarding the Site, dated May 26, 1988 and February 23, 1989, Rohm and Haas sold used containers to Sukonik Barrel and Drum Company ("Sukonik") and Tunnel Barrel and Drum Company ("Tunnel"). Historically, containers sold for profit were empty.

Included with Rohm and Haas' April 12, 1988 response was one document mentioning Metro, which included Metro in a list of companies with whom Tunnel had dealings. In its February 23, 1989 response, as requested by EPA, Rohm and Haas included records, dated on or before September 23, 1988, relating to our sale of drums to Sukonik and Tunnel. Further, Rohm and Haas provided an additional copy of these records in its response to a 1990 Subpoena to Testify Before a Grand Jury.

2. Identify the processes used between 1980-1988 to produce the products/materials identified in response to Question # 1.

Objection: In addition to the General Objections set forth above, Respondent objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry.

Response: Not applicable. Subject to and without waiving objections raised in this Response, please see Response to Question 1.

3. Identify the raw materials used in the processes identified in response to Question #2.

Objection: In addition to the General Objections set forth above, Respondent objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry.

Response: Not applicable. Subject to and without waiving objections raised in this Response, please see Response to Question 1.

4. Identify all wastes and by-products generated between 1980-1988 from the processes identified in response to Question #2.

Objection: In addition to the General Objections set forth above, Respondent objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry.

Response: Not applicable. Subject to and without waiving objections raised in this Response, please see Response to Question 1.

5. For each raw material and waste/by-product identified in response to Questions #3 and #4:

- a) Identify the chemical composition.
- b) Provide a copy of all documents referring to or related to the composition of such raw material and waste/by-product including, but not limited to, chemical analyses performed on such raw materials and wastes/by-products; and
- c) Identify how each waste/by-product was disposed of between 1980 and 1988.

Objection: In addition to the General Objections set forth above, Respondent objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry.

Response: Not applicable. Subject to and without waiving objections raised in this Response, please see Response to Question 1.

6. Identify all chemicals/constituents that would have been present in drums present at any time between 1980-1988 at the facilities identified in response to Question #1(a).

Objection: In addition to the General Objections set forth above, Respondent objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry.

Response: Not applicable. Subject to and without waiving objections raised in this Response, please see Response to Question 1.

7. Identify, and provide a copy of, all contracts and agreements between you and Metro Container Corporation or any related entity under which drums were sent from your facilities to the Metro Container Site (your answer need not identify documents evidencing individual shipments of drums to the Site).

Response: Subject to and without waiving objections raised in this Response, based on documents and information reviewed to date, Rohm and Haas did not have a business relationship with Metro Container. Rohm and Haas was unable to locate any contracts or agreements between itself and Metro Container. Please see Response to Question 1.

8. Identify the procedures used to determine which drums present at any time at your facilities would be sent to the Metro Container Site.

Objection: In addition to the General Objections set forth above, Respondent objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Response: Not applicable. Subject to and without waiving objections raised in this Response, please see Response to Question 1.

9. Identify the chemicals/constituents contained in the drums you sent to the Metro Container Site.

Objection: In addition to the General Objections set forth above, Respondent objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Response: Not applicable. Subject to and without waiving objections raised in this Response, please see Response to Question 1.

10. If you assert in response to Question #9 that some or all of the drums sent to the Metro Container Site were empty, identify the chemicals/constituents that would have been in the drums before they were emptied.

Objection: In addition to the General Objections set forth above, Respondent objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Response: Not applicable. Subject to and without waiving objections raised in this Response, please see Response to Question 1.

11. Provide the name, title, address, and telephone number of the person answering these questions on your behalf. For each question, provide the name, title, area of responsibility, current address, and telephone number of all persons consulted in preparation of the answers.

Response: Subject to and without waiving the General Objections set forth above, Rohm and Haas responds as follows: This Response was prepared by Shannon S. Callahan, Counsel, 100 Independence Mall West, Philadelphia, PA 19106, and Telephone: 215-592-3404.

Given the fact that information requested involves matters that occurred approximately twenty-five years ago, and that information must be gathered from numerous sources, including Rohm and Haas records and other documents created, compiled or collected by many different persons, including Rohm and Haas' counsel and legal assistants, it is not reasonable or possible to respond to this Request as written. Rohm and Haas' responses were prepared by counsel after review of documents and information received from a variety of sources over time.

12. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a) Your document retention policy;
 - b) A description of how the records were/are destroyed (burned, archived, trashed, etc.);
 - c) The approximate date of destruction;
 - d) A description of information that would have been contained in the documents; and,
 - e) The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

Objection: In addition to the General Objections set forth above, Respondent objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry.

Response: Subject to and without waiving objections raised in this Response, please see Response to Question 1.

13. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information that you provide in a response to this request should include the party's name, address, type of business, and the reasons why you believe that the party may have contributed to the contamination at the Site or may have information regarding the Site.

Objection: In addition to the General Objections set forth above, Respondent objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Response: Subject to and without waiving objections raised in this Response, please see Response to Question 1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Shannon S. Callahan". The signature is fluid and cursive, with the first name "Shannon" and last name "Callahan" clearly distinguishable.

Shannon S. Callahan, Esq.